



**ERIC GIBSON**  
DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### NEGATIVE DECLARATION

Project Name: DIMITRI, DIFFENDALE AND KIRK MINOR SUBDIVISION

Project Number(s): 3200 21075 (TPM); 3910 11-02-007 (ER)

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for stormwater management, drainage, cultural resources, and fire protection
1. California Environmental Quality Act Negative Declaration Findings:  
  
Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.
  2. Required Mitigation Measures:  
  
None

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]**

**Intent:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

2. **RESOURCE PROTECTION ORDINANCE STEEP SLOPE EASEMENT: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].**

**Intent:** In order to protect steep slope lands as defined in the Resource Protection Ordinance (RPO) Section 86.602.(p) a Steep Slope Open Space Easement shall be granted. **Description of Requirement:** Grant to the County of San Diego a RPO Steep Slope Open Space Easement as shown on the approved Tentative Parcel Map 3200 21075. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation

having a low fuel content, and provided further that the natural landform is not reconfigured.

- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- d. Construction, use, and maintenance of septic systems, on Lot 4 in the location shown on the Preliminary Grading Plan for 3200 21075.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- f. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

**Documentation:** The applicant shall prepare the draft plats and legal descriptions of the easement, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easement, the applicant shall provide copies of the recorded easement documents to *[DPLU, PCC]* for approval. **Timing:** Prior to issuance of grading or construction permits or approval of the Parcel Map, whichever comes first, the easement shall be recorded. **Monitoring:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[DPLU, PCC]* for pre approval. The *[DPLU, PCC]* shall pre-

approve the language and location of the easements before being released to the applicant for signature and subsequent recordation. Upon Recordation of the easement *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[DPLU, PCC]* for satisfaction of the condition.

**3. PUBLIC ROAD CONNECTION: [DPW, LDR] [MA].**

**Intent:** In order to ensure that the subdivision is connected to a publicly maintained road and to comply with the County Subdivision Ordinance Section 81.702, recorded documentation shall be provided. **Description of requirement:** Recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes shall be provided. The easement shall be forty feet (40') wide as specified in County Subdivision Ordinance Section 81.702, unless proof is furnished that a lesser width is applicable under Section 81.402 of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels. Access to this subdivision is by a Permanent Road Division (PRD #14) maintained road. **Documentation:** The applicant shall submit to the *[DPW, LDR]*, proof that the subdivision is connected to a publicly maintained road, and indicate the access on the Parcel Map. **Timing:** Prior to the approval of the Parcel Map, the connection shall be verified. **Monitoring:** The *[DPW, LDR]* shall verify that the evidence provided meets the requirement of this condition.

**4. FIRE TURNOUT EASEMENT: [DPW, LDR] [FIRE] [MA].**

**Intent:** In order to provide the appropriate fire turnarounds pursuant to the North County Fire Protection District Standards and to comply with the County Subdivision Ordinance Section 81.702 the easement shall be provided. **Description of Requirement:** The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac or a minimum hammerhead turnaround located at the terminus access, proposed on-site street A, to the satisfaction of the North County Fire Protection District and the County of San Diego, Director of Public Works. **Documentation:** The applicant shall show the easement on the parcel map. **Timing:** Prior to approval of the parcel map, the easement shall be indicated on the parcel map. **Monitoring:** The *[DPW, LDR]* shall review the parcel map to ensure that the fire turnout easement is indicated pursuant to this condition.

**5. PRIVATE ROAD EASEMENTS: [DPW, LDR] [FIRE] [MA].**

**Intent:** In order to promote orderly development and to comply with the County Subdivision Ordinance Section 81.702 the easement(s) shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show one foot (1') access restriction easement into Monserate Hill Road along the westerly property line of the project (frontage on Parcels 1 and 4).
- b. The Parcel Map shall show one foot (1') access restriction easement into Monserate Place along the southerly property line of the project (frontage on Parcels 3 and 4).
- c. The Parcel Map shall show twenty-foot (20') radius returns at the intersection of the road easements, Monserate Hill Road and Monserate Place on-site.
- d. The Parcel Map shall show a minimum forty feet (40') wide for the proposed on-site private easement road from the proposed cul-de-sac southerly to Monserate Place.
- e. The Parcel Map shall show a minimum forty feet (40') wide, private easement road from southeast corner of Parcel 3 westerly to Monserate Hill Road.

**Documentation:** The applicant shall show the easements on the parcel map. **Timing:** Prior to approval of the parcel map, the easements shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the fire turnout easement is indicated pursuant to this condition.

**6. PRIVATE ROAD STANDARDS [DPW, LDR] [MA]**

**Intent:** In order to promote orderly development, pursuant to the County Subdivision Ordinance Sec. 81.702, and to comply with the San Diego County Standards for Private Roads the centerline shall be complied.

**Description of Requirement:**

- a. The centerline horizontal radii shall be a minimum of one hundred fifty feet (150') for the private easement road, Monserate Place.
- b. The centerline horizontal radii shall be a minimum of one hundred feet (100') for the proposed on-site private easement road.

The road shall also meet all other Sections of the San Diego County Standards for Private Roads. **Documentation:** The applicant shall show the minimum horizontal radii on the parcel map. **Timing:** Prior to the approval of the parcel map, the condition shall be completed. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the plans in compliance with this condition.

**7. PRIVATE ROAD CERTIFICATION: [DPW, LDR] [FIRE] [MA]**

**Intent:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.702, and the requirements of the North County Fire Protection District, the improved quality of Monserate Hill Road shall be certified. **Description of requirement:**

- a. The private easement road, ***Monserate Hill Road*** from Monserate Place to Pala Road (SR 76), shall be certified to ensure that it is graded to a width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base and is to the satisfaction of the North County Fire Protection District and is constructed within the easement for the benefit of the land division. The road shall meet all other Sections of the San Diego County Standards for Private Roads.
- b. The private easement road, ***Monserate Place*** from southeast corner of the project westerly to Monserate Hill Road, shall be certified to ensure that it is graded to a width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base and is to the satisfaction of the North County Fire Protection District and is constructed within the easement for the benefit of the land division. The road shall meet all other Sections of the San Diego County Standards for Private Roads.

**Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor shall provide a signed statement that the private easement road, meets the standards of this condition. The engineer shall further certify that the road meets all other Sections of the San Diego County Standards for Private Roads. **Timing:** Prior to the approval of the parcel map, the road shall be certified. **Monitoring:** The [DPW, LDR] shall review the certification for consistency with the condition and County Standards.

**8. WATER COMMITMENT: [DPW, LDR] [MA]**

**Intent:** In order to ensure that the proposed subdivision has the required water and sewer services, and to comply with County Subdivision Ordinance Sections 81.707, service commitment letter shall be provided.

**Description of Requirement:** Obtain a commitment to provide water service for each parcel from the Rainbow Municipal Water District.

**Documentation:** The applicant shall obtain the appropriate commitment letter from the agency referenced above and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval of the Parcel Map, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

**9. FIRE COMMITMENT [DPW, LDR] [MA]**

**Intent:** In order to ensure that the proposed subdivision has the required fire protection services, and to comply with County Subdivision Ordinance Sections 81.707, service commitment letter shall be provided and required improvements made. **Description of Requirement:** Obtain a fire service availability and commitment letter from the North County Fire Protection District. **Documentation:** The applicant shall obtain the appropriate availability letter from the agency referenced above, and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval.

**Timing:** Prior to the approval of the Parcel Map, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

**10. UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP, MA]**

**Intent:** In order to provide adequate notice to the serving utility companies that the road improvements are going to possibly affect their utilities, letters of concurrence shall be provided. **Description of requirement:** Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, letters shall be obtained from each serving utility company. The letters shall state that the arrangements are satisfactory to the utility for which the parcels being created serve. No letter will be required from the following: AT&T/SBC.

**Documentation:** The applicant shall obtain the letters and submit them to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the Parcel Map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

**11. UTILITY CERTIFICATION LETTERS: [DPW, LDR] [GP, IP, MA]**

**Intent:** In order to inform the local public entities and utility companies that the Parcel Map is going to be approved by the County, and to comply with Section 66436 of the Government Code, letters of concurrence for signature of on the map shall be provided. **Description of requirement:** A certification from each public utility and each public entity owning easements within the proposed land division shall be provided to the County. **Documentation:** The applicant shall obtain the letters, which state that the public entities affected by this project have received a copy of the proposed Parcel Map, and that they object or do not object to the filing of the Map without their signature. The applicant shall submit the letters to the [DPW LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the Parcel Map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

**12. ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].**

**Intent:** In order to promote orderly development and to comply with the Street Lighting Requirements of the County Subdivision Ordinance Section 81.706 the property shall transfer into the lighting district. **Description of requirement:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. **Timing:** Prior to approval of the parcel map, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

**13. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].**

**Intent:** In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

**Documentation:** The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW as indicated above.

**Timing:** Prior to the approval of the map the agreement shall be



executed. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

**14. COVENANT OF IMPROVEMENTS: [DPW, LDR] [MA]**

**Intent:** In order to allow the deferment of the private improvements required by Subdivision Ordinance Sec. 81.707, a covenant of improvements shall be executed and recorded if the private improvements listed in this decision are not completed before approval of the tentative parcel map. **Description of requirement:** The applicant shall complete all of the private improvements or execute a Covenant of improvements pursuant to the County Subdivision Ordinance Section 81.708. An improvement plan and cost estimate shall be prepared for the private improvements and the estimated costs of the improvements shall be included in the Covenant. The Covenant shall be recorded and noted on the parcel map.

- a. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilizes within a the private easement may be issued.

**Documentation:** The applicant shall prepare the improvement plans; provide a cost estimate as indicated below:

- b. Improvement Plans with sufficient detail shall be prepared for the purposes of providing the required estimate of cost for the private improvements. The covenant shall note the estimate of cost to install and/or construct any deferred improvements. The estimate of costs shall be based upon the approved improvement plans.
- c. The plans shall include a signed statement by the private engineer-of-work which states, "The plans are sufficient for the purpose of providing the required estimate of the cost for the private easement roads, private facilities, and any other private improvements deemed necessary pursuant to the County Subdivision Ordinance Section 81.707."
- d. The estimate shall have the engineer's signature and stamp on the front page along with a statement that reads, "The estimate of the approximate costs as of the date the estimate was prepared for the

private improvements required by the final notice of approval and the San Diego County Standards for Private Roads."

The applicant shall prepare the map with the covenant. The Covenant shall be placed on the face of the parcel map, and recorded with the map. **Timing:** Prior to the approval of the parcel map, improvements shall be completed or the plans and the cost estimate shall be prepared, approved and the covenant prepared and recorded. **Monitoring:** The [DPW, LDR] shall verify that the cost estimate's validity, and that the plans can be approved, but shall stamped, "Not approved for construction," pursuant to this condition. The [DPW, LDR] Map Processing shall verify that the covenant is recorded on the map.

**15. PRIVATE ROAD IMPROVEMENTS (COVENANT): [DPW, LDR] [MA]**

**Intent:** In order to promote orderly development necessary for public health and safety of the area, and to comply with the Subdivision Ordinance Sec. 81.707 and 708, the required private improvements shall be completed or deferred. **Description of Requirement:**

- a. The cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the North County Fire Protection District and the Director of Public Works. [FIRE]
- b. The proposed on-site private easement road, from the proposed cul-de-sac southerly to Monserate Place shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. Where conforming to vertical and horizontal design criteria of current County Private Road Standards, the improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred trips or less shall apply.
- c. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- d. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This

indemnification shall also be noted on the Parcel Map.

- e. The County of San Diego, Department of Public Works, shall be notified before any private road construction. Copies of the blueline plans shall be submitted and an inspection deposit shall be posted.
- f. The structural section, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, before construction activities commence pursuant to Section 3.2/3.11 of the San Diego County Standards for Private Roads. This applies only where // grades exceed 8% // asphalt concrete pavement is to be widened out // required by the North County Fire Protection District.
- g. The proposed on-site to-be-named private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the North County Fire Protection District. [FIRE]

**Documentation:** The applicant shall complete the following:

- h. Process and obtain approval of the grading or Improvement Plans to improve the proposed on-site and Monserate Place, private easement roads, and provide the cost estimate. All plans and improvements shall be completed pursuant to the San Diego County Standards for Private Roads and the DPW Land Development Improvement Plan Checking Manual.
- i. The improvements shall be completed and a secured agreement shall be executed pursuant to Subdivision Ordinance Sec. 81.708, for the required improvements, or execute a covenant of improvements to defer the requirements until after the map is recorded.

**Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or a recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilizes within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall review the plans for

consistency with the condition and County Standards. Upon approval of the plans and cost estimate [DPW, LDR] shall have this condition placed in the covenant of improvements and recorded with the map.

**16. STREET SIGNS: (DEFERRED) [DPW, LDR] [DPW, PDCI] [MA]**

**Intent:** In order to provide a name for the private streets, placing street signs is necessary for the health and safety of present and future residents. **Description of Requirement:** A street name sign, with a County approved street name, shall be installed and located at the intersection of the proposed on-site private easement road and Monserate Place per San Diego County Design Standards DS 13. **Documentation:** The applicant shall install street signs pursuant to this condition, and provide evidence to the [DPW, LDR] that they are installed. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that the streets signs are indicated on the plans. The [DPW, PDCI] shall verify the installation of the required street signs before final grading release.

**17. IMPROVEMENT CERTIFICATION: (DEFERRED) [DPW, LDR] [MA].**

**Intent:** In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with Private Road Standards and Subdivision Ordinance, a letter of certification shall be provided. **Description of Requirement:** The proposed on-site private road, including all slopes and the cul-de-sac, from the proposed cul-de-sac southerly to Monserate Place shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits. **Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map Timing:** Prior to approval and recordation of the Parcel Map, this requirement shall be completed or recorded in the

covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.713, except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the Parcel Map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

**ADOPTION STATEMENT:** This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

David Sibbet, Planning Manager  
Project Planning Division

EG:DS:db